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8 **BEFORE THE**
DENTAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation against:

Case No. **DBC 2011 -15**

11 **ALIREZA MOHEB**
12 **2033 North Main, #1060A**
13 **Walnut Creek, CA 94596**

A C C U S A T I O N

14 **Dental License No. 50324**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

- 18 1. Richard DeCuir (Complainant) brings this Accusation solely in his official capacity
19 as the Executive Officer of the Dental Board of California, Department of Consumer Affairs.
20 2. On or about September 9, 2002, the Dental Board of California issued Dental License
21 Number 50324 to Alireza Moheb (Respondent). The Dental License was in full force and effect
22 at all times relevant to the charges brought herein and will expire on March 31, 2013, unless
23 renewed.

24 **JURISDICTION**

- 25 3. This Accusation is brought before the Dental Board of California (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
28 4. Section **118(b)** of the Code provides, in pertinent part, that the suspension, expiration,

1 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
2 disciplinary action during the period within which the license may be renewed, restored, reissued
3 or reinstated.

4 STATUTORY PROVISIONS

5 5. Section **1670** of the Code states:

6 Any licentiate may have his license revoked or suspended or be reprimanded or be placed
7 on probation by the board for unprofessional conduct, or incompetence, or gross negligence, or
8 repeated acts of negligence in his or her profession, or for the issuance of a license by mistake, or
9 for any other cause applicable to the licentiate provided in this chapter. The proceedings under
10 this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of
11 Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers
12 granted therein.

13 6. Section **1680** of the Code states, in pertinent part:

14 Unprofessional conduct by a person licensed under this chapter is defined as, but is not
15 limited to, any one of the following:

16 (a) The obtaining of any fee by fraud or misrepresentation.

17 ...

18 (p) The clearly excessive prescribing or administering of drugs or treatment, or the clearly
19 excessive use of diagnostic procedures, or the clearly excessive use of diagnostic or treatment
20 facilities, as determined by the customary practice and standards of the dental profession.

21 Any person who violates this subdivision is guilty of a misdemeanor and shall be punished
22 by a fine of not less than one hundred dollars (\$100) or more than six hundred dollars (\$600), or
23 by imprisonment for a term of not less than 60 days or more than 180 days, or by both a fine and
24 imprisonment.

25 ...

26 COSTS

27 7. Section **125.3** of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation of the licensing

1 act to pay a sum not to exceed reasonable costs of investigation and enforcement.

2 **FACTUAL SUMMARY**

3 8. On or about March and April, 2009, Respondent performed dental services on patient
4 P.M.¹ Respondent performed the following acts in relation to his treatment of this patient:

- 5 A. On or about April 14, 2009, Respondent falsely claimed to perform upon patient P.M.,
6 and subsequently billed patient P.M. and/or patient P.M.'s insurance for, placement of a
7 pre-fabricated post in tooth number 10. Subsequent radiographs of this tooth revealed
8 there was no pre-fabricated post in tooth #10, contrary to Respondent's claim.
- 9 B. On or about April 14, 2009, Respondent falsely billed patient P.M. and/or patient
10 P.M.'s insurance for two separate, mutually exclusive core build-up procedures on
11 patient P.M.'s tooth number 10. Specifically, Respondent billed both procedure code
12 2950 (toothcore build-up placed when there is insufficient tooth strength or retention for
13 a crown procedure) and procedure code 2954 (toothcore is built around a pre-fabricated
14 post, implies tooth is root canal treated). Procedure Code 2954 applies when a post is
15 being placed. No such post was placed.
- 16 C. On or about April 14, 2009, Respondent wrote a laboratory prescription in which he
17 prescribed a crown to be fabricated on patient P.M.'s tooth number 2, a tooth that
18 patient P.M. did not actually have in her mouth. Respondent wrote a treatment plan in
19 which he characterized the nonexistent tooth as in need of a build-up and crown.
- 20 D. On or about April 14, 2009, Respondent performed restoration work on patient P.M.'s
21 tooth number 10. Respondent overfilled the root canal past the radiographic apex. The
22 endodontic filling placed by Respondent was irregularly condensed and did not conform
23 to the applicable standard of care.
- 24 E. On or about March 4, 2009, Respondent extracted tooth number 14 from patient P.M.'s
25 mouth, and performed a bone graft in the area. Respondent failed to provide patient
26 P.M. with treatment alternatives to extraction and bone graft placement, and failed to

27 _____
28 ¹ Patient P.M.'s name is withheld to protect the patient's privacy.

1 document the rationale for placement of the bone graft. The extraction and bone graft
2 procedure was not warranted under the circumstances.

3 F. On or about March 4, 2009, Respondent extracted tooth number 14 from patient P.M.'s
4 mouth. Respondent failed to document the amount and type of local anesthetic
5 administered for this extraction.

6 G. On or about March 4, 2009, Respondent extracted tooth number 14 from patient P.M.'s
7 mouth. Respondent falsely and/or fraudulently billed patient P.M. and/or patient P.M.'s
8 insurance for a surgical extraction when the radiograph findings supported a simple
9 extraction and the Respondent failed to provide, through clinical documentation, that a
10 surgical extraction was performed..

11 H. On or about April 14, 2009, Respondent prepared patient P.M. for a partial upper
12 denture in patient P.M.'s mouth, using tooth number 12 as an abutment for the denture.
13 Tooth 12, however, was an inappropriate tooth for use as an abutment, as its stability,
14 bone structures and periodontium were compromised. Respondent did not document
15 that he discussed with the patient the risks, including tooth loss, associated with using
16 this tooth as a prosthodontic abutment.

17 **FIRST CAUSE FOR DISCIPLINE**

18 (Negligence/Incompetence)

19 9. Respondent is subject to disciplinary action under section 1670 of the Code in that he
20 acted with incompetence, gross negligence and repeated acts of negligence, as set forth above in
21 paragraph 8 and its subparts.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct)

24 10. Respondent is subject to disciplinary action under section 1670 of the Code in that he
25 acted unprofessionally, as set forth above in paragraph 8 and its subparts.

26 **THIRD CAUSE FOR DISCIPLINE**

27 (Obtaining Fee By Fraud/False Representation)

28 11. Respondent is subject to disciplinary action under section 1690(a) of the Code in that

1 he obtained fees by fraud or misrepresentation, as set forth above in paragraph 8 and its subparts.

2 **FOURTH CAUSE FOR DISCIPLINE**

3 (Excessive Treatment)

4 12. Respondent is subject to disciplinary action under section 1680(p) of the Code in that
5 he excessively and clearly prescribed and administered treatment and/or the use of diagnostic
6 procedures, as determined by the customary practice and standards of the dental profession, as set
7 forth above in paragraph 8 and its subparts.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Dental Board of California issue a decision:

- 11 1. Revoking or suspending Dental License Number 50324, issued to Alireza Moheb;
12 2. Ordering Alireza Moheb to pay the Dental Board of California the reasonable costs of
13 the investigation and enforcement of this case, and, if placed on probation, the costs of probation
14 monitoring;
15 3. Taking such other and further action as is deemed necessary and proper.

16 DATED: 7.20.11

17 
18 RICHARD DECUIR
19 Executive Officer
20 Dental Board of California
21 Department of Consumer Affairs
22 State of California
23 Complainant
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